

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>FRANK G. McALEESE,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a “Frank George</b>	<b>:</b>	<b>18 U.S.C. § 922(a)(6) (providing false</b>
<b>McAleese,”</b>	<b>:</b>	<b>information to a federal firearms licensee</b>
<b>a/k/a “Frank E. MacLaine,”</b>	<b>:</b>	<b>- 3 counts</b>
<b>a/k/a “Frank Eastwood</b>	<b>:</b>	<b>18 U.S.C. § 924(a)(1)(A) (making a false</b>
<b>MacLaine”</b>	<b>:</b>	<b>statement to a federal firearms licensee - 3</b>
	<b>:</b>	<b>counts)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (convicted felon in</b>
	<b>:</b>	<b>possession of a firearm - 4 counts)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Lock’s Philadelphia Gun Exchange, 6700 Rowland Avenue, Philadelphia, Pennsylvania, FFL# 8-23-101-01-7M-01580, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.
2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which an FFL holder may sell firearms and ammunition.
3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a “Firearms Transaction Record,” ATF Form 4473. The

Form 4473 requires the prospective purchaser to give his or her name, address, date of birth, and social security number and to provide government-issued photo identification. The Form 4473 requires that the prospective purchaser certify in answer to question 11.c. truthfully, subject to penalties of perjury, whether he or she “ha[s] ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation.” The Form 4473 contains language warning that “a person who answers ‘yes’ to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm.” The Form 4473 also includes the warning that “making any false statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person is not prohibited from purchasing a firearm.

5. Convicted felons are persons prohibited by law from receiving, buying, and possessing firearms.

6. Defendant FRANK G. McALEESE, a/k/a “Frank George McAleese,” a/k/a “Frank E. MacLaine,” a/k/a “Frank Eastwood MacLaine,” was a convicted felon, having been convicted in the Court of Common Pleas of Philadelphia County, First Judicial District of Pennsylvania, at CP-51-CR-0102151-1983 (D.C. No. 821586422), of a crime punishable by imprisonment for a term exceeding one year. He thus was prohibited by law from receiving, buying, and possessing firearms.

7. In the case identified in paragraph 6, defendant FRANK G. McALEESE, a/k/a “Frank George McAleese,” a/k/a “ Frank E. MacLaine,” a/k/a “Frank Eastwood MacLaine,” was convicted under the name “Frank G. McAleese” and defendant McALEESE was identified as “Frank G. McAleese” in proceedings respecting this conviction in the Superior Court of Pennsylvania, the Supreme Court of Pennsylvania, the United States District Court for the Eastern District of Pennsylvania, the Third Circuit United States Court of Appeals, and the United States Supreme Court.

8. On or about December 3, 2007, defendant FRANK G. McALEESE, a/k/a “Frank George McAleese,” a/k/a “Frank E. MacLaine,” a/k/a “Frank Eastwood MacLaine,” renewed Pennsylvania driver license XX XXX 067 in the name of “Frank G. McAleese,” 5034 Tulip Street 2nd Fl, Philadelphia, PA 19124, date of birth March Y, 1946. Defendant McALEESE again renewed this driver license on or about November 7, 2009. Previously until at least March 7, 2007, defendant McALEESE held Pennsylvania driver license XX XXX 067 in the name “Frank G. McAleese,” 6123 Edmund Street, Philadelphia, PA 19135, date of birth March Y, 1946.

9. On or about December 8, 2007, defendant FRANK G. McALEESE, a/k/a “Frank George McAleese,” a/k/a “Frank E. MacLaine,” a/k/a “Frank Eastwood MacLaine,” acquired Pennsylvania photo identification XX XXX 755 in the name “Frank E. MacLaine,” 6123 Edmund Street, Philadelphia, PA 19135, date of birth March Y, 1946. On or about April 9, 2008, defendant McALEESE acquired Pennsylvania driver license XX XXX 755 in the name “Frank E. MacLaine,” 6123 Edmund Street, Philadelphia, PA 19135, date of birth March Y, 1946.

10. On or about March 20, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/ka “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

in connection with the acquisition of a firearm, that is, a Smith & Wesson, model 27, .357/.38 caliber revolver, serial number N391739, and a Springfield, model 1911-D1, .45 ACP caliber pistol, serial number NM193004, from Lock’s Philadelphia Gun Exchange, a licensed dealer of firearms, knowingly made a false and fictitious written statement and furnished and exhibited a false, fictitious, and misrepresented identification, intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearms under the provisions of Chapter 44, Title 18, United States Code, in that, defendant FRANK G. McALEESE, a/k/a “Frank George McAleese,” a/k/a “ Frank E. MacLaine,” a/k/a “Frank Eastwood MacLaine,” (1) provided a written statement on Firearm Transaction Record, ATF Form 4473, certifying that defendant McALEESE, who identified himself on the Form 4473 as “Frank E. MacLaine,” had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, knowing that statement was false and fictitious, and defendant McALEESE (2) furnished and exhibited a false, fictitious, and misrepresented identification in the name of “Frank E. MacLaine,” knowing that he had been convicted of a crime punishable by more than one year imprisonment under the name “Frank G. McAleese,” a name different from “Frank G. MacLaine,” the name on the government-issued photo identification, Pennsylvania identification number 29 553 755, that he used to purchase the firearms.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9 of Count One of this indictment are incorporated here.
2. On or about March 20, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a "Frank George McAleese,"  
a/k/a "Frank E. MacLaine,"  
a/k/a "Frank Eastwood MacLaine,"**

in connection with the acquisition of a firearm, that is, a Smith & Wesson, model 27, .357/.38 caliber revolver, serial number N391739, and a Springfield, model 1911-D1, .45 ACP caliber pistol, serial number NM193004, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holders' records, in that defendant FRANK G. McALEESE, a/k/a "Frank George McAleese," a/k/a "Frank E. MacLaine," a/k/a "Frank Eastwood MacLaine," (1) certified on the Form 4473 that defendant McALEESE had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, when in fact, as defendant knew, this statement was false and fictitious, and defendant McALEESE (2) falsely stated and represented that he was "Frank E. MacLaine," when in fact, as defendant knew, he had been convicted of the above crime under the name "Frank G. McAleese."

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about March 20, 2008, through on or about April 8, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly received and possessed in and affecting interstate commerce a firearm, that is, a Smith & Wesson, model 27, .357/.38 caliber revolver, serial number N391739, and a Springfield, model 1911-D1, .45 ACP caliber pistol, serial number NM193004.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 8, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Smith & Wesson, model 29, .44 magnum caliber revolver, serial number BFJ7404.

In violation of Title 18, United States Code, Section 922(g)(1).



**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9 of Count One of this indictment are incorporated here.
2. On or about April 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

in connection with the acquisition of a firearm, that is, a Smith & Wesson, model 29, .44 magnum caliber revolver, serial number BFJ7404, from Lock’s Philadelphia Gun Exchange, a licensed dealer of firearms, knowingly made a false and fictitious written statement, and furnished and exhibited a false, fictitious, and misrepresented identification, intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearm under the provisions of Chapter 44, Title 18, United States Code, in that, defendant FRANK G. McALEESE, a/k/a “ Frank E. MacLaine,” a/k/a “Frank Eastwood MacLaine,” (1) provided a written statement on Firearm Transaction Record, ATF Form 4473, certifying that defendant McALEESE had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, knowing that statement was false and fictitious, and defendant McALEESE (2) furnished and exhibited a false, fictitious, and misrepresented identification in the name of “Frank E. MacLaine,” knowing that he had been convicted of a crime punishable by more than one year imprisonment under the name of “Frank G. McAleese,”

a name different from “Frank G. MacLaine,” the name on the government-issued photo identification, Pennsylvania identification number 29 553 755, that he used to purchase the firearms.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9 of Count One of this indictment are incorporated here.

2. On or about April 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a "Frank George McAleese,"  
a/k/a "Frank E. MacLaine,"  
a/k/a "Frank Eastwood MacLaine,"**

in connection with the acquisition of a firearm, that is, a Smith & Wesson, model 29, .44 magnum caliber revolver, serial number BFJ7404, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holders' records, in that defendant FRANK G. McALEESE, a/k/a "Frank George McAleese," a/k/a "Frank E. MacLaine," a/k/a "Frank Eastwood MacLaine," (1) certified on the Form 4473 that defendant McALEESE had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, when in fact, as defendant knew, this statement was false and fictitious, and defendant McALEESE (2) falsely stated and represented that he was "Frank E. MacLaine," when in fact, as defendant knew, he had been convicted of the above crime under the name "Frank G. McAleese."

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 9, 2008, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly received and possessed in and affecting interstate commerce a firearm, that is, a Smith & Wesson, model 29, .44 magnum caliber revolver, serial number BFJ7404.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9 of Count One of this indictment are incorporated here.

2. On or about April 22, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

in connection with the acquisition of a firearm, that is, a Smith & Wesson, model 27, .357/.38 caliber revolver, serial number N391739, and a Springfield, model 1911-D1, .45 ACP caliber pistol, serial number NM193004, from Lock’s Philadelphia Gun Exchange, a licensed dealer of firearms, knowingly made a false and fictitious written statement, and furnished and exhibited a false, fictitious, and misrepresented identification, intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearms under the provisions of Chapter 44, Title 18, United States Code, in that, defendant FRANK G. McALEESE, a/k/a “Frank George McAleese,” a/k/a “Frank E. MacLaine,” a/k/a “Frank Eastwood MacLaine,” (1) provided a written statement on Firearm Transaction Record, ATF Form 4473, certifying that defendant McALEESE, who identified himself on the Form 4473 as “Frank E. MacLaine,” had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, knowing that statement was false and fictitious, and defendant McALEESE (2) furnished and exhibited a false, fictitious, and misrepresented identification in the name of

“Frank E. MacLaine,” knowing that he had been convicted of a crime punishable by more than one year imprisonment under the name “Frank G. McAleese,” a name different from “Frank G. MacLaine,” the name on the government-issued photo identification, Pennsylvania identification number 29 553 755, that he used to purchase the firearms.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9 of Count One of this indictment are incorporated here.
2. On or about April 22, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a "Frank George McAleese,"  
a/k/a "Frank E. MacLaine,"  
a/k/a "Frank Eastwood MacLaine,"**

in connection with the acquisition of a firearm, that is, a Smith & Wesson, model 27, .357/.38 caliber revolver, serial number N391739, and a Springfield, model 1911-D1, .45 ACP caliber pistol, serial number NM193004, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holders' records, in that defendant FRANK G. McALEESE, a/k/a "Frank George McAleese," a/k/a "Frank E. MacLaine," a/k/a "Frank Eastwood MacLaine," (1) certified on the Form 4473 that defendant McALEESE had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, when in fact, as defendant knew, this statement was false and fictitious, and defendant McALEESE (1) falsely stated and represented that he was "Frank E. MacLaine," when in fact, as defendant knew, he had been convicted of the above crime under the name "Frank G. McAleese."

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about April 22, 2008, through on or about April 30, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRANK G. McALEESE,  
a/k/a “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly received and possessed in and affecting interstate commerce a firearm, that is, a Smith & Wesson, model 27, .357/.38 caliber revolver, serial number N391739, and a Springfield, model 1911-D1, .45 ACP caliber pistol, serial number NM193004.

In violation of Title 18, United States Code, Section 922(g)(1).



**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 922(a)(6), 924(a)(1)(A), and 922(g)(1), set forth in this indictment, defendant

**FRANK G. McALEESE,  
a/k/a “Frank George McAleese,”  
a/k/a “Frank E. MacLaine,”  
a/k/a “Frank Eastwood MacLaine,”**

shall forfeit to the United States of America all firearms involved in the commission of such offenses, including, but not limited to:

One Smith & Wesson, model 29, .44 magnum caliber revolver, serial number BFI7404.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

**GRAND JURY FOREPERSON**

**ZANE DAVID MEMEGER  
UNITED STATES ATTORNEY**